

ARTICLE APPEARED
ON PAGE 5THE GUARDIAN (US)
8 July 1981

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TESTIMONY ENDS IN HISTORIC SWP CASE

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Testimony has ended in the suit of the Socialist Workers Party (SWP) against the FBI, CIA and other government agencies for a campaign of harassment, intimidation and spying against the party for nearly 40 years.

Both sides rested their cases June 25 after a 12-week trial which produced 8000 pages of testimony. In addition to demanding \$40 million in damages, the SWP is asking for an injunction against future government disruption. The SWP, the largest U.S. Trotskyist organization with some 2000 members, first filed the civil suit in 1973.

A verdict in the case will not be reached for several months. Federal District Judge Thomas Griesa, who is conducting the trial without a jury, asked lawyers for both sides to submit briefs summarizing their positions by the end of September.

During the trial, the SWP presented extensive evidence of FBI break-ins, warrantless wiretaps, burglaries of SWP offices, mail openings, the sowing of dissension among SWP members and between the SWP and other groups, and the use of informants in the SWP—all in violation of constitutional rights.

The government made no attempt to refute the specific charges, but argued that the FBI's authority on the campaign of harassment came "directly from the President" since the administration of Franklin Roosevelt. The government's position, as outlined by witness Herbert Brownell, attorney general during the Eisenhower Administration, is: "There never was any definition of the methods that were to be used in carrying out the directive. The methods were left to the discretion of the FBI" (Guardian, June 24).

In order to justify its activities, the government has attempted to link the SWP to what it characterizes as "terrorist activities," particularly in Latin America. The government has also attempted to portray the SWP as a pawn of the Fourth International, the grouping of a number of Trotskyist parties with whom the SWP is in political alignment.

The case has broad implications for all left and progressive forces. The defense argued: "The government has a right to keep itself

informed of the activities of groups that openly advocate revolutionary change in the structure and leadership of the government of the U.S.; even if such advocacy might be within the letter of the law." If this position is upheld by the courts, the legal restraints that remain against the government's investigative agencies will be virtually eliminated.

In the closing days of the trial, the government reiterated its position that it need not discover illegal activities before it investigates groups with radical political views. Testifying June 18, head of the Los Angeles FBI office Edgar Best said: "There must be information in our possession that a given organization is involved in something diametrically opposed to our form of government and may even be in a position where they violently want to overthrow our government. So we should direct our informants...to obtain information concerning that kind of philosophy or action."

As a number of cases in recent years have documented, the FBI and other investigative agencies have not confined their harassment and illegal acts to the SWP and explicitly left organizations. A lawsuit against spying by the Chicago police has forced the FBI to admit at least 500 warrantless break-ins in that city between 1948 and 1966. These included break-ins of organizations concerned with civil liberties such as the Chicago Committee to Defend the Bill of Rights and the Midwest Committee for Protection of the Foreign Born. Former Chicago FBI agent M. Wesley Swearingen has said he personally participated in about 300 break-ins and that probably "thousands" were done nationally.

The FBI's use of informants was also documented in the closing days of the SWP trial. FBI agent Best testified that, "Since the inception of the bureau, we have probably handled well in excess of a quarter of a million informants." As an example of

the work of FBI informants, the SWP cited a 1960s report from the Los Angeles field office—Best's office—which cited an "informant [who] has played an important part in 'fanning the flames' of discord and discontent within the LA/SWP."

The FBI also had an informant in the highest levels of the SWP. On June 17 and 18, FBI informant Edward Heisler testified as a government witness. Heisler had joined the SWP in 1960 and since 1966, according to his testimony, he had been an informant for the FBI. In July 1980, as the SWP suit was coming to trial, Heisler admitted he had been an informant and was expelled from the party.

During 1977, Heisler worked on the administrative secretariat, an important subcommittee of the political committee of the SWP. Heisler was also secretary of the SWP's National Trade Union Steering Committee. In these positions he had access to much of the inner workings of the SWP. Heisler gave the FBI lists of names of people who attended public SWP meetings and copies of political and personal correspondence from SWP headquarters.

The government also attempted to get information from ex-SWP members. Bill Massey, a member of the SWP in the early 1970s who is now a member of Workers World Party, was subpoenaed to appear as a government witness June 19. Forced to attend the trial, Massey made it clear that he would not cooperate. "Giving information or cooperating with the government would have been politically impossible for me to do," Massey told the Guardian. "The major enemy of humanity is the U.S. government." Shortly before he was to be called, the government decided to drop Massey as a witness.

Whatever verdict is reached in the SWP case, the decision is sure to be appealed to higher courts. The ultimate verdict will have far-reaching implications for left and progressive groups. A victory against the government will not stop repression and spying, but can place restrictions on the state's investigative apparatus. A victory by the government would be an attack not only on the left, but also on fundamental civil liberties.